**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CRIMINAL APPELLATE JURISDICTION**
CRIMINAL WRIT PETITION NO.2460 OF 2004

| Office notes, office Memoranda of Coram, appearances, Court's orders or directions & Registrar's orders | : Court's or Judge's Orders |
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Siddharth Karape i/b Ms.S.D.Khot for the Petitioner.
Mr.S.Shitole, the A.P.P.for the Respondent-State.

**CORAM: S.R.Dongaonkar, J.**
**DATE : 22nd March, 2006.**
**P.C.:**

1. Heard Shri Siddharth Karape for the Petitioner.

2. This Petition is filed to challenge the order of issue of process dated 01.02.2003 passed by the learned Additional Chief Metropolitan Magistrate, 28th Court, Esplanade, Mumbai in Criminal Case No.89/S/2003.

3. In view of the order of this Court in Criminal Application No.5272 of 2004, the Petitioner should have

preferred revision application in the Sessions Court. The Petitioner wants to withdraw this Petition in view of the order passed in the aforesaid application. Hence, liberty is granted to the Petitioner to prefer necessary revision before the concerned Sessions Court.

4. The learned counsel appearing for the Petitioner makes a statement that necessary revision will be preferred within four weeks from today. In this view of the matter, the Trial Court shall not proceed with the trial for a period of four weeks from today.

5. As far as the limitation is concerned, looking to the above facts and circumstances, the learned Sessions Judge to take sympathetic view.

6. On filing of the revision by the Petitioner, the Sessions Court

shall dispose of the matter on merits after hearing the necessary parties.

7. The Petition is allowed to be withdrawn subject to above observations. Bail if any, to continue.

**(S.R.Dongaonkar, J.)**